

LAW OFFICES
JOHN D. HEFFNER, PLLC
1750 K STREET, N.W.
SUITE 200
WASHINGTON, D.C. 20006
PH: (202) 296-3333
FAX: (202) 296-3939

2275B

July 27, 2010

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

VIA ELECTRONIC FILING

Re: STB Finance Docket No. 35141
U S Rail Corporation – Construction and Operation Exemption –
Brookhaven Rail Terminal

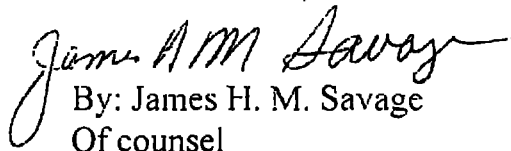
Dear Ms. Brown.

Petitioner U S Rail Corporation ("U S Rail") hereby withdraws its April 22, 2010 request for pre-approval to commence excavation activities as well as US Rail's June 14, 2010 letter in furtherance thereof.

US Rail further requests the Board issue final construction approval within 30 days after the EA comment period ends.

We thank the Board for its time and consideration.

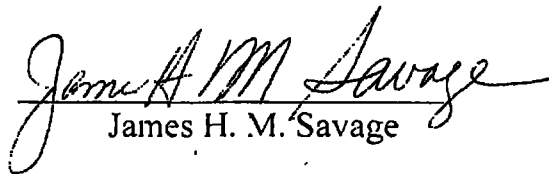
Very truly yours,
John D. Heffner, PLLC


By: James H. M. Savage
Of counsel

cc: Mark D. Cuthbertson (via electronic mail)
Robert Ryback (via First Class mail)

CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, certify that I have served this day by electronic mail a true copy of the within pleading upon counsel for the Town of Brookhaven and by first class mail upon the New York State Department of Transportation.


James H. M. Savage

Dated: July 27, 2010